

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Serial No. : **10/708,076**
Inventor : **BREZNIC, Evelyn A.**
Title : **"Low Speed Combustion Air Bypass Tube"**
Filing Date : **February 6, 2004**
Art Unit : **3747**
Examiner : **SOLIS, Erick R.**
Confirmation No. **2075**
Our File No. : **1057600**

September 21, 2006

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
U.S.A.

**PETITION TO THE DIRECTOR ON A QUESTION NOT
SPECIFICALLY PROVIDED FOR UNDER 37 CFR 1.182**

Sir,

In respect of the above-noted application, the Applicant never received a Notice of Allowance and Fees Due. The only document received from the Office was a Corrected Notice of Allowance and Fees Due dated June 21, 2006. The Corrected Notice of Allowance made reference to a previously-mailed Notice of Allowance dated May 30, 2006, and indicated that the due date for reply was [*sic*] August 31, 2006 (*i.e.* a date which was supposedly 3 months after the supposed Notice of Allowance).

Upon review of the transaction history and the Image File Wrapper on the USPTO's Patent Application Information Retrieval (PAIR) System, an entry for a Notice of Allowance is recorded but the document linked to the entry is a non-dated Supplementary Notice of Allowability. There is no original Notice of Allowance in the Image File Wrapper.

As set forth in the accompanying declaration of Sofia Aguilar, a call to the Office was unable to confirm the existence, issuance or the location of such a Notice. The Office has no record of it.

It is therefore believed that no such Notice was ever issued by the Office and the transaction history listing is in error.

In view of these events, Applicant hereby petitions the Director to find that:

1. No Notice of Allowance was ever issued by the office on May 30, 2006.
2. The transaction history is in error.
3. The Corrected Notice of Allowance is the only Notice of Allowance issued by the Office in respect of this application.
4. The time limit for paying the issue fee is calculated from the date of mailing of the Corrected Notice of Allowance, *i.e.* from June 21, 2006.
5. The due date for response to the Corrected Notice of Allowance is September 21, 2006.
6. The issue fee payment, paid on today's date (September 21, 2006), has been timely paid.

It is also requested that, in view of the Office's error, upon grant of the present petition, the petition fee be re-credited to Deposit Account number 502977.

At the time of filing of the present Petition, the Office was authorized to charge the fees believed to be necessary to a credit card. In case of any under- or over-payment or should any additional fee be otherwise necessary, the Office is hereby authorized to credit or debit (as the case may be) Deposit Account number 502977.

Respectfully submitted,

/Jonathan David Cutler/

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